

POST Commission Meeting Minutes

A meeting of the Rhode Island Police Officer's Commission on Standards & Training was held Thursday, June 8, 2006 at the Community College of Rhode Island, Flanagan Campus, Lincoln, RI in the President's Conference Room at 9 am.

Present:

Colonel Stephen McCartney – Chairman

Colonel Steven Pare – Commission Member

Chief George Kelley – Commission Member

Mr. Anthony J. Silva – Director

Mr. Glenford J. Shibley – Administrative Assistant

Mr. David A. Ricciarelli – Coordinator of Instruction & Testing

Arriving at 9:15 am:

Chief J. David Smith – Vice Chairman

Mr. Richard B. Woolley, Esq. – Legal Counsel

Invited Guests:

Mr. Val Lubans – Systems Design Group

Ms. Emily Dupuis – Reporter with Westerly Sun

Absent:

Mr. Robert Driscoll – Commission Member

At 9 am, Colonel McCartney called the meeting to order. The first item on the agenda was the reading and approval of the minutes from the April 18, 2006 POST meeting in Middletown, RI. Chief Kelley made a motion to accept the minutes. Motion was seconded by Colonel Pare. Vote was unanimous (3-0).

Director Silva then introduced Ms. Emily Dupuis a reporter for the Westerly Sun newsletter and who would be sitting in on the meeting.

The second item on the agenda was a discussion of the Body Fat Measurement Test currently being used as part of the Physical Fitness Test administered by the RI Municipal Police Academy. Director Silva mentioned that the Body Fat Measurement Test was discussed at length at a recent Regional Meeting of Police Academy Directors held in Connecticut. Mr. Val Lubans, System Design Group had informed the group that few, if any, police academies in the country were still using the Body Fat Measurement Test. The other five New England states have all eliminated the Body Fat Test. Director Silva decided that he wanted Mr. Lubans to discuss the issue with our Commission members. Mr. Lubans emphasized that this test has not been proven to be a predictor of job performance for police officers.

Mr. Lubans added that it is more of a medical issue. Mr. Lubans said that he has spoken with Mr. Bill McCardle, an expert with the

Department of Justice, and everyone seems to agree that the Body Fat Measurement Test has no proven predictability on how a police officer can perform the job requirements. Mr. Lubans suggested that it could not be successfully defended if an unsuccessful police candidate legally challenged his or her failure of the Body Fat Measurement Test.

Colonel McCartney asked if there was a counterpoint to the matter? Mr. David Ricciarelli stated that he greatly respects Mr. Luban's credibility and position, however, there is a difference between job-related standards vs. training necessity standards. Mr. Ricciarelli said that the Body Fat Measurement test has helped the Police Academy over the years. Mr. Ricciarelli added that these candidates who entered the Police Academy with higher levels of body fat have had a great deal more difficulty meeting the training requirements. He suggested that if the Body Fat Test requirement is eliminated, then the staff will have to look closely at the various risk factors involved in our training program as it is currently conducted. While Mr. Val Lubans agreed that the concern over risk during training is a very legitimate one, he said that there have been no real on-the-job studies regarding sick-leave, injuries on duty, etc. as it relates to police officers who are overweight/obese. He said that the law looks at physical test requirements that predict the "ability to do the job". Mr. Lubans said that the 1.5 mile run, 1 minute sit-ups, 1 repetition maximum bench press, 300 meter run and the vertical leap are entrance tests that are now being used.

Several additional questions then were raised. Should we set more

strict standards for the medical exam required for entrance into the Police Academy? What standards do we set for the medical exam? Will a doctor actually say a person is medically unfit?

Mr. Lubans then said that there has been no single legal case ruling against gender norming on physical fitness tests. He said that every state that has norming has kept it and gender-normed fitness standards are okay. He added that Connecticut uses the Cooper Standards of 40th percentile for entrance and then has a pursuit-control exit test that is job-related and with the same timed standards for both sexes. He gave an example of a sprint, a safety leap over a barrier, then run behind a vehicle, then push a vehicle, then perform a body drag from a vehicle. He summarized that Connecticut uses fitness standards to enter the police academy, physical tasks of the job are instructed while at the academy, then they administer an abilities test to exit the academy. Mr. Lubans also mentioned that the North Dakota Highway Patrol and the Ohio Highway Patrol now require employment maintenance tests annually.

Chief Kelley asked if there are many police recruits having injury problems while participating in our physical fitness training programs. Mr. Ricciarelli said that there have been very few major injuries that have kept a police recruit from graduating. Most injuries occur from the knee down. More discussion ensued.

Colonel Pare then made a motion to eliminate the Body Fat Measurement test at both the pre-entrance and post exit level (at least as an eliminator). Motion was seconded by Chief Kelley. Vote was unanimous (4-0).

Chief Smith made a motion to have the Police Academy staff do research on what other academies in our region are using for their fitness tests (pre & post) and, if possible, have the involvement of Mr. Val Lubans to assist. Motion was seconded by Chief Kelley. Vote was unanimous (4-0). Director Silva stated that he would send out letters to all police agencies informing them of the elimination of the Body Fat Measurement Test.

The next item on the agenda was discussion regarding the matter of reserve officer training. Director Silva briefed the Commission on letters received from both the Westerly and Charlestown Police Departments. He also referred to the letter previously received from the RI Interlocal Trust and the follow-up letter that we sent out to all police chiefs regarding POST's position on the certification of police officers.

Director Silva then informed the members that Chief Edward Mello – Westerly P.D. has twelve officers who have certification from the Police Academy for completing the 40 hour Police Reserve Training classes prior to 1992. Director Silva asked Mr. Woolley where do we stand? Mr. Woolley responded that he was unsure what training had been done at the time. Colonel McCartney suggested that these police chiefs should contact Mr. Paul Dutra (Interlocal Trust) with their questions. Chief Smith stated some cities and towns are not represented by the Trust. Colonel McCartney said we must stand on the state law, and that he believes the law is very clear. Director Silva mentioned that Massachusetts has a full-time Reserve Officer Academy, but that they have the needed facilities, staffing and

funding. In Rhode Island, first a job task analysis would have to be completed, then a curriculum could be designed and a training mechanism developed. Mr. Woolley added that a legislative change would also have to be made, creating a “second tier” of law enforcement officer. We all understand the various needs of these seasonal cities and towns. Mr. Woolley suggested that each city and town must have their individual solicitor look into how their reserves are being used, i.e., in what capacity.

Mr. Ricciarelli asked Mr. Lubans about reserve officer training in Connecticut. Mr. Lubans replied that reserve officers must go through the entire training just like all full-time officers. It was mentioned that California has 3 different levels of training for reserve officers. Director Silva stated that he would inform Westerly and Charlestown that the POST’s position is that to be certified as a police officer in Rhode Island an individual would have to attend the entire academy, and that we do not recognize the 40-hour reserve training that was discontinued in 1991.

Colonel Pare made a motion to support that position. Motion was seconded by Chief Kelley. Vote was unanimous (4-0).

Next on the agenda, Mr. Ricciarelli gave a report on the Class of 2006-II. He mentioned that two recruits have not yet passed the Criminal Law course. Mr. Ricciarelli informed the Commission that we have now lost all use of any buildings at Quonset Point (dog patch) for Role-Playing Operations. We only have buildings available at Camp Fogarty in East Greenwich. Chief Kelley mentioned the possibility of Pawtucket P.D. securing a house for training through a

federal grant. He stated that if successful they would be pleased to share its use with the Police Academy. Chief Kelley said that he may be looking for a letter of support from the Police Academy.

Next, Director Silva spoke on a letter of request from Major Stephen Baker, URI Campus Police, requesting a waiver on the Three Year Rule for Lieutenant Kenneth Olsen who is being hired in a supervisory position at URI. Motion was made by Chief Kelley to waive the Three Year Rule requirement for certification. Motion was seconded by Colonel Pare. Vote was unanimous (3-0). Chief Smith recused himself from the vote.

Next, was a discussion on the requirement that police departments must forward a copy of a letter of Conditional Offer of Employment to the URI Psychological Testing Services before their candidate is examined. Director Silva also suggested that the Police Academy staff work towards developing a standardized investigation form that can be used by all police departments while conducting a background investigation on their police candidates. All police departments must also forward a copy of their candidate's background investigation to the URI Psychological Testing Services in advance of their candidate's examination. Colonel Pare made a motion to support this idea. Chief Smith seconded the motion. Vote was unanimous (4-0).

Next, Mr. David Ricciarelli reviewed the planned in-service training courses and tentative dates.

Next item on the agenda was a discussion on policy formation. Director Silva mentioned the new policy on the police recruit uniform

change. He then asked the members if we need to promulgate these changes as they are made? Mr. Richard Woolley stated that it was his opinion that internal policies and procedures do not need to be promulgated, however, rules and regulation that affect the general public do need to be promulgated with the Secretary of State's office. Director Silva said that once the manual is completed then we can have the entire product promulgated. Chief Kelley made a motion to have the Commission recognize that the RI Municipal Police Academy staff is in the process of writing new policies and procedures. Motion was seconded by Colonel Pare. Vote was unanimous (4-0).

Next, Colonel McCartney under the R.I.G.L. 42-46-5(a)(1) Open Meetings Law – entertained a motion to move into Executive Session.

Colonel Pare made the motion to move into Executive Session. Motion was seconded by Chief Kelley. Vote was unanimous(4-0).

- Executive Session -

After the Executive Session ended. Colonel Pare made a motion to go back into Open Session. Chief Kelley seconded the motion. Vote was unanimous (4-0).

Under other business, Director Silva informed the Commission that he would like to form an advisory board to assist the Commission and the Police Academy in developing a strategic plan for the next five years, i.e. judiciary members, community members, etc. Colonel McCartney said he could see the value of having a broad-based

advisory board. Director Silva said that he would be formulating a list of types of individuals that he thinks should be on it.

Motion to adjourn was made by Colonel Pare. Chief Kelley seconded the motion. Vote was unanimous (4-0).

Meeting adjourned at 11:55 am.

Submitted by:

Glenford J. Shibley

Administrative Assistant

Executive Session

Mr. Richard Woolley briefed the Commission members regarding the background and the status of the Cheryl Moore vs URI case.

Mr. Woolley has requested an additional 30 days to gather further information. He stated that we are in the discovery stage. Judge McGuirl is hearing the case. Mr. Woolley said that he believes we will prevail.